

July 2016

Summary of IDEM Rulemakings

Notices and Continuations

Title 326 Air Pollution Control Division

Rulemaking Action: Short Term Backup Units - [LSA Document #16-309](#)

Purpose: **First Notice of Comment Period**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules at [326 IAC 2-1.1-3](#) concerning the operation of short term backup units. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

Background: The provisions of [326 IAC 2-1.1-3](#) identify specific conditions under which emission units, operations, or processes are exempt from Indiana's air permitting requirements. When an existing permitted emission unit or its control device at a source needs to be taken offline due to either a failure or a planned maintenance event, a different emission unit or control device often needs to be inserted into the process in its place in order for the process to continue operating. The repairs to the permitted units often last longer than thirty (30) days. The current rules do not allow an exemption for this scenario, even though the short term backup unit is often nearly identical to the unit being pulled offline for repair, and there would be no increase in emissions or decrease in control levels. IDEM is proposing changes to 326 IAC 2-1.1-3 to allow for the use of acceptable short term backup emission units or control devices as part of normal operations to qualify as an exemption and to be used in the process while repairs or maintenance are completed to the original equipment in a reasonable amount of time, without the loss of efficiency or extra costs for IDEM or for the source. The source will still be required to comply with all existing permit terms and conditions, and IDEM will coordinate with U.S. EPA to ensure that these changes meet federal requirements.

History: First Notice of Comment Period: July 20, 2016 – August 19, 2016

Inquiries: Additional information regarding this rulemaking action can be obtained from and comments can be submitted to Jack Harmon, Rules Development Branch, Office of Legal Counsel, (317) 234-9535, (800) 451-6027 (toll-free), or JAHarmon@idem.in.gov.

Next Step: **Second Notice**

Title 326 Air Pollution Control Division

Rulemaking Action: Readoption of Administrative Rules - [LSA Document #16-140\(F\)](#)

Purpose: **Notice of Final Readoption**

Readopts rules in anticipation of [IC 13-14-9.5-2](#), providing that an administrative rule adopted under [IC 13-14-9](#) expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

Background: This rulemaking is required under [IC 13-14-9.5](#), which provides for the expiration and readoption of administrative rules. The rules listed to be readopted have an expiration date of January 1, 2017. IDEM has chosen to readopt all affected rules at one time rather than readopt each rule separately as its expiration date approaches. Under [IC 13-14-9.5-4](#), the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one rule that lists all rules that are readopted by their titles and subtitles only. If no comments are received during the first comment period, IDEM may submit the rule for filing with the Publisher under [IC 4-22-2-35](#) and publish a notice in the Indiana Register that the agency has readopted the rule. Under IC 13-14-9.5-4(c), the Indiana Department of Environmental Management (IDEM) is publishing a notice of readoption of rules in Title 326 of the Indiana Administrative Code. With this notice, IDEM is providing notification that the following rules are readopted:

326 IAC 2-5.5-2	Compliance schedule
326 IAC 2-5.5-3	Application requirements
326 IAC 2-5.5-4	Registration content
326 IAC 2-5.5-5	Public notice
326 IAC 2-6.1-4	Application requirements
326 IAC 2-6.1-7	Operating permit renewal
326 IAC 16-1	Environmental Assessment; Activities of State Agencies
326 IAC 16-2.1-1	Definitions
326 IAC 16-2.1-2	"Environmental assessment" defined
326 IAC 16-2.1-3	"Environmental impact statement" defined
326 IAC 16-2.1-4	"Major state action" defined
326 IAC 16-2.1-5	"Responsible official" or "responsible state official" defined
326 IAC 16-2.1-6	"Significantly affecting the quality of the human environment" defined
326 IAC 16-2.1-7	"State agency" defined

History:	First Notice of Comment Period:	April 13, 2016 – May 13, 2016
	Filed with the Publisher	June 6, 2016
	Effective	July 6, 2016

Inquiries: Additional information regarding this rulemaking action can be obtained from Jack Harmon, Rules Development Branch, Office of Legal Counsel, (317) 234-9535, (800) 451-6027 (toll-free), or JAHarmon@idem.in.gov.

Title 327 Water Pollution Control Division

Rulemaking Action: Readoption of Administrative Rules - [LSA Document #16-141\(F\)](#)

Purpose: **Notice of Final Readoption**
Readopts rules in anticipation of [IC 13-14-9.5-2](#), providing that an administrative rule adopted under [IC 13-14-9](#) expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

Background: This rulemaking is required under [IC 13-14-9.5](#), which provides for the expiration and readoption of administrative rules. The rules listed to be readopted have an expiration date of January 1, 2017. If no comments are received during the first comment period, IDEM may submit the rule for filing with the Publisher under [IC 4-22-2-35](#) and publish a notice in the Indiana Register that the agency has readopted the rule. Under IC 13-14-9.5-4(c), the Indiana Department of Environmental Management (IDEM) is publishing a

notice of readoption of rules in Title 327 of the Indiana Administrative Code. With this notice, IDEM is providing notification that the following rules are readopted:

[327 IAC 11](#) State Environmental Policy

History: First Notice of Comment Period: April 13, 2016 – May 13, 2016
Filed with the Publisher June 6, 2016
Effective July 6, 2016

Inquiries: Additional information regarding this rulemaking action can be obtained from MaryAnn Stevens, Rules Development Branch, Office of Legal Counsel, (317) 232- 8635, (800) 451-6027 (toll-free), or mstevens@idem.in.gov.

Title 328 Underground Storage Tank Financial Assurance Board

Rulemaking Action: Readoption of Administrative Rules - [LSA Document #16-142\(F\)](#)

Purpose: **Notice of Final Readoption**
Readopts rules in anticipation of [IC 13-14-9.5-2](#), providing that an administrative rule adopted under [IC 13-14-9](#) expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

Background: This rulemaking is required under [IC 13-14-9.5](#), which provides for the expiration and readoption of administrative rules. The rules listed to be readopted have an expiration date of January 1, 2017. IDEM has chosen to readopt all affected rules at one time rather than readopt each rule separately as its expiration date approaches. Under [IC 13-14-9.5-4](#), the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one rule that lists all rules that are readopted by their titles and subtitles only. If no comments are received during the first comment period, IDEM may submit the rule for filing with the Publisher under [IC 4-22-2-35](#) and publish a notice in the Indiana Register that the agency has readopted the rule. Under IC 13-14-9.5-4(c), the Indiana Department of Environmental Management (IDEM) is publishing a notice of readoption of rules in Title 328 of the Indiana Administrative Code. With this notice, IDEM is providing notification that the following rules are readopted:

[328 IAC 1-3-1.3](#) Cost effectiveness of corrective action
[328 IAC 1-3-1.6](#) Preapproval of work
[328 IAC 1-3-2](#) Fund disbursement
[328 IAC 1-3-6](#) Limitation of liability
[328 IAC 1-4-4](#) Monthly reimbursement
[328 IAC 1-5-3](#) Deemed approved; reimbursement of costs

History: First Notice of Comment Period: April 13, 2016 – May 13, 2016
Filed with the Publisher June 6, 2016
Effective July 6, 2016

Inquiries: Additional information regarding this rulemaking action can be obtained from Dan Watts, Rules Development Branch, Office of Legal Counsel, (317) 234-5345, (800) 451-6027 (toll-free), or dwatts1@idem.in.gov.

Title 329 Solid Waste Management Division

Rulemaking Action: Readoption of Administrative Rules - [LSA Document #16-144\(F\)](#)

Purpose: **Notice of Final Readoption**

Readopts rules in anticipation of [IC 13-14-9.5-2](#), providing that an administrative rule adopted under [IC 13-14-9](#) expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

Background: This rulemaking is required under [IC 13-14-9.5](#), which provides for the expiration and readoption of administrative rules. The rules listed to be readopted have an expiration date of January 1, 2017. IDEM has chosen to readopt all affected rules at one time rather than readopt each rule separately as its expiration date approaches. Under [IC 13-14-9.5-4](#), the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one rule that lists all rules that are readopted by their titles and subtitles only. If no comments are received during the first comment period, IDEM may submit the rule for filing with the Publisher under [IC 4-22-2-35](#) and publish a notice in the Indiana Register that the agency has readopted the rule. Under IC 13-14-9.5-4(c), the Indiana Department of Environmental Management (IDEM) is publishing a notice of readoption of rules in Title 328 of the Indiana Administrative Code. With this notice, IDEM is providing notification that the following rules are readopted:

329 IAC 5	State Environmental Policy
329 IAC 6.1	Public Records; Confidential Information; Confidentiality Agreements
329 IAC 10-7.2	Generator Responsibilities for Waste Information
329 IAC 10-8.2	Management Requirements for Certain Solid Wastes
329 IAC 11-1	General Provisions
329 IAC 11-2	Definitions
329 IAC 11-9	Application Procedure for All Solid Waste Processing Facilities
329 IAC 11-11	Permit Issuance and Miscellaneous Provisions
329 IAC 11-12	Solid Waste Processing Facilities; Operation Approval and Preoperational Requirements
329 IAC 11-13.5	Solid Waste Processing Facilities; Operational Requirements
329 IAC 11-16	Solid Waste Processing Facilities; Closure and Post-Closure Requirements

History:	First Notice of Comment Period:	April 13, 2016 – May 13, 2016
	Filed with the Publisher	June 6, 2016
	Effective	July 6, 2016

Inquiries: Additional information regarding this rulemaking action can be obtained from Dan Watts, Rules Development Branch, Office of Legal Counsel, (317) 234-5345, (800) 451-6027 (toll-free), or dwatts1@idem.in.gov.

Nonrule Policy Documents

Policy Number: [WASTE-0067-NPD](#)

Subject: RCRA Applicability to Baghouse Dust and Dust Collection Storage Tanks

Authorized: Carol S. Comer, Commissioner

Issuing Office(s): Office of Land Quality

Purpose: This policy clarifies whether a containment unit, such as a baghouse silo, that collects dust and is connected directly to an air pollution control device is a hazardous waste tank subject to the requirements of RCRA, and when the dust collected in such a unit is considered hazardous waste. This policy applies only to containment units that are connected directly to air pollution control devices and that are an integral part of air emission control systems.

Summary: A containment unit, such as a baghouse silo, that collects dust and is connected directly to an air pollution control device is not a hazardous waste tank subject to the requirements of RCRA, and dust collected in such a unit is not hazardous waste until it is removed from the unit. However, storage of dust in such units, beyond what is required by the normal operation of the air emissions control system, could subject the containment unit to RCRA requirements.

History: Supersedes: WASTE-0050-NPD

Originally Effective: June 21, 2002

Renewed/Revised: June 13, 2016

Inquiries: Additional information regarding this Nonrule Policy Document (NPD) can be obtained from Patricia Daniel, Office of Program Support, (317) 234-6562, (800) 451-6027 (toll-free), or PDaniel@idem.in.gov.

Status: **Effective**

Proposed Rules (and Readoptions)

Currently, no IDEM related rules are posted within the Indiana Register (IR) for this grouping.

Final Rules (and Readoptions)

Currently, no IDEM related rules are posted within the Indiana Register (IR) for this grouping.

Emergency Rules

Currently, no IDEM related rules are posted within the Indiana Register (IR) for this grouping.

Prepared by: Angela Taylor, Small Business Regulatory Coordinator